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EXAMINER

SAFAIPOUR, BOBBAK

ART UNIT	PAPER NUMBER
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2618

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/510,323

Applicant(s)

SODERBACKA ET AL.

Examiner

BOBBAK SAFAIPOUR

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-27 and 29-32 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-6, 8-27, 29-32 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/17/2008 has been entered.

Claims 7 and 28 have been cancelled. **Claims 1-6, 8-27, and 29-32** are still pending in the present application.

Response to Arguments

First, Applicant argues the applied references fail to disclose that the content clip is not requested by the mobile terminal, but rather provided upon initiation of a content provider for delivery to a particular mobile terminal.

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. (see USC 103 rejection below)

Second, Applicant argues the applied references fail to disclose that the content clip already provided by the content server is kept in a waiting stage on its way from the content server to the particular mobile terminal while checking the necessity of a handover.

After carefully reviewing the independent claims, there is no disclosure in the claims that the content clip already provided by the content server is kept in a waiting stage. The Examiner respectfully suggests that the Applicant amend the independent claims to specifically disclose that the content clip is kept in a waiting stage.

Third, Applicant argues that the applied references fail to disclose that the content clip is delivered to the mobile terminal only when requested by the mobile terminal upon a notification that delivery of a content may be requested.

The Examiner respectfully disagrees. Gwon discloses a mobile node that is first notified (read as a notification) of a pre-trigger timing parameter that can be used for initiating handoff to candidate access points. The mobile node can receive this information anytime after association with the current access network. Reasons for the mobile node to initiate handoff could be due to either a loss of the current connection or connection improvement. If the mobile terminal is able to initiate handoff, then one of ordinary skill in the art understands that the mobile terminal will be able to receive data from the new access point. (figure 1, paragraphs 24 and 35-37)

If the Applicant intends to differentiate between the pre-trigger timing parameter notification of Gwon and the notification to request a delivery of a content clip of the present application, then such differences should be made explicit in the claims. As a result, the argued features are written such that they read upon the cited references; therefore, the previous rejection still applies.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-5, 8, 10-12, 14-27, 29, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hasan et al (WO 01/31963 A1)** in view of **Gwon et al. (US 2003/0119508 A1)** and in further view of **Soderbacka et al. (US 2003/0114158 A1)**.

Consider **claim 1**, Hasan et al disclose a method comprising:

determining a type of radio access network required for delivering a content clip to a mobile terminal via a communication network based on an indication associated to said content clip (page 1, lines 25-30; page 6, lines 12 to 27; Attempts to start multimedia session that

required multiple bearers in a 3G network) and determining the type of radio access network via which said mobile terminal currently accesses said communication network (page 2, line 28 to page 3, line 10; Determining that the mobile terminal from a 2G network is operating in an area of 3G network coverage), wherein said communication network comprises radio access networks of at least two different types (abstract, page 2, line 28 to page 3, line 10; 2G network to 3G network);

in case said mobile terminal accesses said communication network currently via a radio access network of a different type (abstract; Handing over a mobile terminal from a 2G to 3G) than required for delivering said content clip, triggering a handover of said mobile terminal to a radio access network of said type required for delivering said content clip (figure 2, abstract, page 2, line 28 to page 3, line 10; page 6, lines 2-11; Service triggers to determine that a 2G to 3G handover is required launching a 3G session);

delivering said content clip to said mobile terminal via said radio access network of said type required for delivering said content clip (page 6, lines 12-26; Provide the subscriber with the desired multimedia session);

wherein a handover of said mobile terminal to a radio access network of a type required for a delivery of said content clip is only triggered upon a request by said mobile terminal to deliver said content clip (page 6, line 3-27; page 7, lines 4-16; Subscriber tries to start a multimedia session that requires 3G network. When the subscriber enters an area of 3G coverage, handover is performed for the voice call, and the 3G service triggers launches preregistration toward the 3G system for the multimedia session.), and

wherein said content clip is only delivered to said mobile terminal upon a request by said mobile terminal to deliver said content clip (page 6, line 3-27; page 7, lines 4-16).

Hasan et al fail to specifically disclose transmitting a notification to said mobile terminal, which notification indicates that said mobile terminal may request a delivery of said provided content clip and receiving a content clip from a content server upon initiation of a content provider for delivery to a particular mobile terminal.

In related art, Gwon et al disclose transmitting a notification to said mobile terminal, which notification indicates that said mobile terminal may request a delivery of said provided content clip. (figure 5; abstract; paragraphs 35-37; A mobile node is first notified of a pre-trigger timing parameter that can be used for initiating handoff to a candidate access point.)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Gwon et al into the teachings of Hasan et al to have successive handoff measurement by obtaining advanced link down notification.

Furthermore, in related art, Soderbacka discloses receiving a content clip from a content server upon initiation of a content provider for delivery to a particular mobile terminal. (figure 1, Content server, content provider 4)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Soderbacka into the teachings of Hasan and Gwon to initiate a handover to a required radio access network.

Consider **claim 17**, Hasan et al disclose an arrangement of at least one element for connecting a content server with a communication network, said arrangement comprising:

a communication network comprising radio access networks of at least two different types (abstract, page 2, line 28 to page 3, line 10; 2G network to 3G network);

a determination component configured to determine a type of radio access network required for delivering said content clip to said mobile terminal via said communication network based on an indication associated to said content clip and configured to determine the type of radio access network via which said mobile terminal currently accesses said communication network (page 2, line 28 to page 3, line 10; Determining that the mobile terminal from a 2G network is operating in an area of 3G network coverage);

a triggering component configured to trigger a handover of said mobile terminal to a radio access network of said type required for delivering said content clip, in case said mobile terminal accesses said communication network currently via a radio access network of a different type than required for delivering said content clip and further wherein a handover of said mobile terminal to a radio access network of a type required for a delivery of said content clip is only triggered upon a request by said mobile terminal to deliver said content clip (figure 2, abstract, page 2, line 28 to page 3, line 10; page 6, lines 3-27; page 7, lines 4-16; Service triggers to determine that a 2G to 3G handover is required launching a 3G session); and

a delivering component configured to cause a delivery of said content clip to said mobile terminal via said radio access network of said type required for delivering said content clip only upon a request by said mobile terminal to deliver said content clip (page 6, line 3-27; page 7, lines 4-16; Provide the subscriber with the desired multimedia session).

Hasan et al fail to disclose a receiving component arranged to receive content clips from a said content server, which contents clips are to be delivered upon initiation of a content

provider to a mobile terminal attached to said communication network via a specific type of radio access network and a notification component for transmitting a notification to said mobile terminal, which notification indicates that said mobile terminal may request a delivery of said provided content clip.

In related art, Gwon et al disclose transmitting a notification to said mobile terminal, which notification indicates that said mobile terminal may request a delivery of said provided content clip. (figure 5; abstract; paragraphs 35-37; A mobile node is first notified of a pre-trigger timing parameter that can be used for initiating handoff to a candidate access point.)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Gwon et al into the teachings of Hasan et al to have successive handoff measurement by obtaining advanced link down notification.

Furthermore, in related art, Soderbacka discloses receiving a receiving component arranged to receive content clips from a said content server, which contents clips are to be delivered upon initiation of a content provider to a mobile terminal. (figure 1, Content server, content provider 4)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Soderbacka into the teachings of Hasan and Gwon to initiate a handover to a required radio access network.

Consider **claim 21**, Hasan et al disclose a communication network comprising radio access networks of at least two different types (abstract, page 2, line 28 to page 3, line 10; 2G network to 3G network) and handover components configured to perform an intersystem

handover of a mobile terminal accessing said communication network via a radio access network of a first type (read as 2G) to a radio access network of a second type (read as 3G) upon an information received from an arrangement of at least one element (figure 2, abstract, page 2, line 28 to page 3, line 10; page 6, lines 2-11) such that said handover is only triggered upon a request by the mobile terminal to deliver a content clip (page 6, line 3-27; page 7, lines 4-16) and further comprising a delivery component configured to cause the delivery of said content clip to said mobile terminal via said radio access network of said type required for delivering said content clip only upon a request by said mobile terminal to deliver said content clip (figure 2, abstract, page 2, line 28 to page 3, line 10; page 6, lines 3-27; page 7, lines 4-16; Service triggers to determine that a 2G to 3G handover is required launching a 3G session).

Hasan et al fail to specifically disclose connecting said communication network to a content server, which information indicates that an intersystem handover is required for a delivery of a content clip initiated by a content provider and a notification component for transmitting a notification to said mobile terminal, which notification indicates that said mobile terminal may request a delivery of said provided clip.

In related art, Gwon et al disclose transmitting a notification to said mobile terminal, which notification indicates that said mobile terminal may request a delivery of said provided content clip. (figure 5; abstract; paragraphs 35-37; A mobile node is first notified of a pre-trigger timing parameter that can be used for initiating handoff to a candidate access point.)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Gwon et al into the teachings of Hasan et al to have successive handoff measurement by obtaining advanced link down notification.

Furthermore, in related art, Soderbacka discloses connecting said communication network to a content server, which information indicates that an intersystem handover is required for a delivery of a content clip initiated by a content provider. (figure 1, Content server, content provider 4)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Soderbacka into the teachings of Hasan and Gwon to initiate a handover to a required radio access network.

Consider **claim 22**, Hasan et al disclose an apparatus comprising:

a determination component configured to determine a type of radio access network required for delivering a content clip to a mobile terminal via a communication network based on an indication associated to said content clip and configured to determine the type of radio access network via which said mobile terminal currently accesses said communication network, wherein said communication network comprises radio access networks of at least two different types (abstract, page 2, line 28 to page 3, line 10; page 6, lines 12 to 27; Determining that the mobile terminal from a 2G network is operating in an area of 3G network coverage);

a triggering component configured to trigger a handover of said mobile terminal to a radio access network of said type required for delivering said content clip, in case said mobile terminal accesses said communication network currently via a radio access network of a different type than required for delivering said content clip and further wherein the handover of said mobile terminal to a radio access network of a type required for a delivery of said content clip is

only triggered upon a request by said mobile terminal to deliver said content clip (figure 2, abstract, page 2, line 28 to page 3, line 10; page 6, lines 3-27; page 7, lines 4-16; Service triggers to determine that a 2G to 3G handover is required launching a 3G session); and

a delivery component configured to cause a delivery of said content clip to said mobile terminal via said radio access network of said type required for delivering said content clip only upon a request by said mobile terminal to deliver said content clip (page 6, line 3-27; page 7, lines 4-16; Provide the subscriber with the desired multimedia session).

Hasan et al fail to specifically disclose a notification component for transmitting a notification to said mobile terminal, which notification indicates that said mobile terminal may request a delivery of said provided content clip and a content clip has been received at said arrangement from a content provider upon initiation of a content server for delivery to a particular mobile terminal.

In related art, Gwon et al disclose transmitting a notification to said mobile terminal, which notification indicates that said mobile terminal may request a delivery of said provided content clip. (figure 5; abstract; paragraphs 35-37; A mobile node is first notified of a pre-trigger timing parameter that can be used for initiating handoff to a candidate access point.)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Gwon et al into the teachings of Hasan et al to have successive handoff measurement by obtaining advanced link down notification.

Furthermore, in related art, Soderbacka discloses a content clip has been received at said arrangement from a content provider upon initiation of a content server for delivery to a particular mobile terminal. (figure 1, Content server, content provider 4)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Soderbacka into the teachings of Hasan and Gwon to initiate a handover to a required radio access network.

Consider **claim 32**, Hasan et al disclose an apparatus comprising:

means for determining a type of radio access network required for delivering a content clip to a mobile terminal via a communication network based on an indication associated to said content clip and for determining the type of radio access network via which said mobile terminal currently accesses said communication network, wherein said communication network comprises radio access networks of at least two different types (abstract, page 2, line 28 to page 3, line 10; page 6, lines 12 to 27; Determining that the mobile terminal from a 2G network is operating in an area of 3G network coverage);

means for triggering a handover of said mobile terminal to a radio access network of said type required for delivering said content clip, in case said mobile terminal accesses said communication network currently via a radio access network of a different type than required for delivering said content clip and further wherein the handover of said mobile terminal to a radio access network of a type required for a delivery of said content clip is only triggered upon a request by said mobile terminal to deliver said content clip (figure 2, abstract, page 2, line 28 to page 3, line 10; page 6, lines 3-27; page 7, lines 4-16; Service triggers to determine that a 2G to 3G handover is required launching a 3G session); and

means for causing a delivery of said content clip to said mobile terminal via said radio access network of said type required for delivering said content clip only upon a request by said mobile terminal to deliver said content clip (page 6, line 3-27; page 7, lines 4-16; Provide the subscriber with the desired multimedia session).

Hasan et al fail to specifically disclose a notification component for transmitting a notification to said mobile terminal, which notification indicates that said mobile terminal may request a delivery of said provided content clip and means for receiving a content clip from a content server upon initiation of a content provider for delivery to a particular mobile terminal.

In related art, Gwon et al disclose transmitting a notification to said mobile terminal, which notification indicates that said mobile terminal may request a delivery of said provided content clip. (figure 5; abstract; paragraphs 35-37; A mobile node is first notified of a pre-trigger timing parameter that can be used for initiating handoff to a candidate access point.)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Gwon et al into the teachings of Hasan et al to have successive handoff measurement by obtaining advanced link down notification.

Furthermore, in related art, Soderbacka discloses means for receiving a content clip from a content server upon initiation of a content provider for delivery to a particular mobile terminal. (figure 1, Content server, content provider 4)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Soderbacka into the teachings of Hasan and Gwon to initiate a handover to a required radio access network.

Consider **claim 2**, and **as applied to claim 1 above**, Hasan et al, as modified by Gwon et al and Soderbacka, disclose the claimed invention wherein said content clip provided by said content provider is included in a multimedia message (Hasan et al: page 6, lines 12-27).

Consider **claim 3**, and **as applied to claim 1 above**, Hasan et al, as modified by Gwon et al and Soderbacka, disclose the claimed invention wherein an indication of the type of radio access network required for delivering said content clip is provided by said content provider together with said content clip. (Hasan et al: page 6, lines 2-11)

Consider **claim 4**, and **as applied to claim 1 above**, Hasan et al, as modified by Gwon et al and Soderbacka, disclose the claimed invention wherein all content clips provided by a specific content provider are required to be delivered via a specific type of radio access network, and wherein said indication associated to said content clip is given by an identification of the origin of said content clip. (Hasan et al: page 6, lines 2-27)

Consider **claim 5**, and **as applied to claim 1 above**, Hasan et al, as modified by Gwon et al and Soderbacka, disclose the claimed invention wherein an indication of the type of radio access network required for delivering said content clip is separately fetched from a network entity or extrapolated from the content clip. (Hasan et al: page 6, lines 2-27)

Consider **claim 8**, and **as applied to claim 1 above**, Hasan et al, as modified by Gwon et al and Soderbacka, disclose the claimed invention wherein an identification of a subscriber using

said mobile terminal to which said content clip is to be delivered is compared with a stored list of identifications of mobile subscribers allowed to access said communication network via at least two different types of radio access networks, and wherein a handover is only triggered in case said subscriber is determined to be a subscriber which is able to access to said communication network via at least two different types of radio access networks. (Hasan et al: page 7, lines 4-16; MT's International Mobile Subscriber Identity and its IP address)

Consider **claim 10**, and **as applied to claim 1 above**, Hasan et al, as modified by Gwon et al and Soderbacka, disclose the claimed invention wherein said content clip is provided by said content provider to a multimedia messaging service relay and/or server connected to said communication network, which multimedia messaging service relay and/or server triggers said handover of said mobile terminal if required. (Hasan et al: abstract, pg. 7, lines 4-16; fig. 3A-3C; Handover Server)

Consider **claim 11**, and **as applied to claim 10 above**, Hasan et al, as modified by Gwon et al and Soderbacka, disclose the claimed invention wherein said multimedia messaging service relay and/or server determines whether a handover is required. (Hasan et al: abstract, pg. 7, lines 4-16; fig. 3A-3C; Handover Server makes sure 3G session is ready to launch)

Consider **claim 12**, and **as applied to claim 10 above**, Hasan et al, as modified by Gwon et al and Soderbacka, disclose the claimed invention wherein a unit connected to said multimedia

messaging service relay and/or server determines whether a handover is required. (Hasan et al: abstract, pg. 7, lines 4-16; fig. 3A-3C)

Consider **claim 14**, and as applied to **claim 1 above**, Hasan et al, as modified by Gwon et al and Soderbacka, disclose the claimed invention wherein in case of a triggered handover of a mobile terminal accessing said communication network via a different type of radio access network than required for delivering said content clip, said content clip is delivered to said mobile terminal upon a notification that said triggered handover has been completed. (Hasan et al: page 6, lines 12-27)

Consider **claim 15**, and as applied to **claim 1 above**, Hasan et al, as modified by Gwon et al and Soderbacka, disclose the claimed invention wherein at least one of said radio access networks of said communication network is a third generation radio access network, and wherein at least one other of said radio access networks of said communication network is a second generation radio access network. (Hasan et al: abstract)

Consider **claim 16**, and as applied to **claim 17 above**, Hasan et al, as modified by Gwon et al and Soderbacka, disclose the claimed invention wherein a communication system comprising a communication network with radio access network of a first type and of a second type and with processing components configured to perform an intersystem handover of a mobile terminal from a radio access network of a first type to a radio access network of a second type (Hasan et al: abstract, page 2, line 28 to page 3, line 10; 2G network to 3G network), said

communication system further comprising at least one mobile terminal with an access component configured to access said communication network via a radio access network of said first type and a radio access network of said second type, and said communication system further arrangement of at least one element according to claim 17 for connecting content server to said communication network. (Soderbacka: figure 1, content server)

Consider **claim 18**, and **as applied to claim 17 above**, Hasan et al, as modified by Gwon et al and Soderbacka, disclose the claimed invention comprising as one of said at least one element at least a multimedia messaging service relay and/or server, said multimedia messaging service relay and/or server including said receiving component and said triggering component. (Hasan et al: abstract, pg. 7, lines 4-16; fig. 3A-3C)

Consider **claim 19**, and **as applied to claim 18 above**, Hasan et al, as modified by Gwon et al and Soderbacka, disclose the claimed invention comprising as a further one of said at least one element a storage component connected to said multimedia messaging service relay and/or server and configured to store information based on which a handover is determined. (Hasan et al: abstract, pg. 7, lines 4-16; fig. 3A-3C)

Consider **claim 20**, and **as applied to claim 18 above**, Hasan et al, as modified by Gwon et al and Soderbacka, disclose the claimed invention comprising as a further one of said at least one element a processing component connected to said multimedia messaging service relay

and/or server and including said determination component. (Hasan et al: abstract, pg. 7, lines 4-16; fig. 3A-3C)

Consider **claim 23**, and **as applied to claim 22 above**, Hasan et al, as modified by Gwon et al and Soderbacka, disclose the claimed invention wherein said content clip provided is included in a multimedia message (Hasan et al: page 6, lines 12-27).

Consider **claim 24**, and **as applied to claim 22 above**, Hasan et al, as modified by Gwon et al and Soderbacka, disclose the claimed invention wherein an indication of the type of radio access network required for delivering said content clip is provided by said content provider together with said content clip. (Hasan et al: page 6, lines 2-11)

Consider **claim 25**, and **as applied to claim 22 above**, Hasan et al, as modified by Gwon et al and Soderbacka, disclose the claimed invention wherein all content clips provided by a specific content provider are required to be delivered via a specific type of radio access network, and wherein said determination component is configured to use an identification of the origin of a content clip as said indication associated to said content clip. (Hasan et al: page 6, lines 2-27)

Consider **claim 26**, and **as applied to claim 22 above**, Hasan et al, as modified by Gwon et al and Soderbacka, disclose the claimed invention wherein said determination component is configured to fetch an indication of the type of radio access network required for delivering said

content clip separately from a network entity or configured to extrapolate an indication of the type of radio access network required for delivering said content clip from the content clip.

(Hasan et al: page 6, lines 2-27)

Consider **claim 27**, and **as applied to claim 22 above**, Hasan et al, as modified by Gwon et al and Soderbacka, disclose the claimed invention wherein a database configured to store said content clip provided by a content provider until said mobile terminal to which said content clip is to be delivered is known to access said communication network via a radio access network of said type required for delivering said content clip. (Hasan et al: page 6, lines 2-27)

Consider **claim 29**, and **as applied to claim 22 above**, Hasan et al, as modified by Gwon et al and Soderbacka, disclose the claimed invention wherein a comparing component configured to compare an identification of a subscriber using said mobile terminal to which said content clip is to be delivered with a stored list of identifications of mobile subscribers allowed to access said communication network via at least two different types of radio access networks, wherein said triggering component is configured to trigger a handover only in case said subscriber is determined to be a subscriber which is able to access to said communication network via at least two different types of radio access networks. (Hasan et al: page 7, lines 4-16; MT's International Mobile Subscriber Identity and its IP address)

Claims 6 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hasan et al (WO 01/31963 A1)** in view of **Gwon et al. (US 2003/0119508 A1)** and in further view of

in further view of **Soderbacka et al. (US 2003/0114158 A1)** and in further view of **Sato (US Patent Application Publication #2003/0022624 A1)**.

Consider **claim 6**, and as applied to **claim 1 above**, Hasan et al, as modified by Gwon et al and Soderbacka, disclose the claimed invention except for wherein said content clip provided by said content provider is stored in a database until said mobile terminal to which said content clip is to be delivered is known to access said communication network via a radio access network of said type required for delivering said content clip.

In related art, Sato et al disclose content clip provided by said content provider is stored in a database until said mobile terminal to which said content clip is to be delivered is known to access said communication network via a radio access network of said type required for delivering said content clip. (figure 2, paragraphs 99-104)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Sato et al into the teachings of Hasan et al, Gwon et al and Soderbacka in order to transmit high quality digital contents and multimedia messages to a mobile body with small-scale equipment.

Consider **claim 31**, and as applied to **claim 22 above**, Hasan et al, as modified by Gwon et al and Soderbacka, disclose the claimed invention except for wherein said apparatus is arranged to connect a content server providing said content clip with said communication network.

In related art, Sato discloses wherein said apparatus is arranged to connect a content server providing said content clip with said communication network. (figure 2, paragraphs 99-104)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Sato et al into the teachings of Hasan et al, Gwon et al, and Soderbacka to in order to transmit high quality digital contents and multimedia messages to a mobile body with small-scale equipment.

Claims 9, 13, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hasan et al (WO 01/31963 A1)** in view of **Gwon et al. (US 2003/0119508 A1)** and in further view of **Soderbacka et al (US 2003/0114158 A1)**

Consider **claim 9**, and **as applied to claim 1 above**, Hasan et al, as modified by Gwon et al, disclose the claimed invention except for wherein said type of the radio access network to which said mobile terminal is currently connected is determined based on an available, stored information about the current connection of said mobile terminal.

In related art, Soderbacka et al disclose wherein said type of the radio access network to which said mobile terminal is currently connected is determined based on an available, stored information about the current connection of said mobile terminal. (paragraphs 22-23)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Soderbacka et al into the teachings of Hasan et al and Gwon et al so that the mobile terminal can communicate the preferred radio access technology to

the network in particular in a new information element added to the currently existing connection establishment signaling.

Consider **claim 13**, and **as applied to claim 1 above**, Hasan et al, as modified by Gwon et al, disclose the claimed invention except for wherein for a handover said multimedia messaging service relay and/or server transmits an network controlled cell re-selection trigger to the communication network.

In related art, Soderbacka et al disclose for a handover said multimedia messaging service relay and/or server transmits a network controlled cell re-selection trigger to the communication network. (paragraphs 48, 75-77)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Soderbacka et al into the teachings of Hasan et al and Gwon et al in order to perform an intersystem handover of a mobile terminal accessing a communication network via a radio access network of a different type.

Consider **claim 30**, and **as applied to claim 22 above**, Hasan et al, as modified by Gwon et al, disclose the claimed invention except for wherein said determination component is configured to determine said type of the radio access network to which said mobile terminal is currently connected based on available, stored information about the current connection of said mobile terminal.

In related art, Soderbacka et al disclose wherein said determination component is configured to determine said type of the radio access network to which said mobile terminal is

currently connected based on available, stored information about the current connection of said mobile terminal. (paragraphs 22-23)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Soderbacka et al into the teachings of Hasan et al and Gwon et al so that the mobile terminal can communicate the preferred radio access technology to the network in particular in a new information element added to the currently existing connection establishment signaling.

Conclusion

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/Bobbak Safaipoor/
Examiner, Art Unit 2618

January 5, 2009

/Matthew D. Anderson/

Supervisory Patent Examiner, Art Unit 2618